

REMARKS

Claims 1, 2, 4-7, 9, 11-16 and 18-26 are pending, with claims 1, 19 and 26 being independent. Applicants acknowledge Examiner Rhee's time and courtesy during the December 17 interview with Applicants' representative James E. Ruland. See Interview Summary. Below is a summary of that interview.

1. No exhibit was shown and no demonstration was conducted.
2. Claims 1, 19 and 26 were discussed.
3. U.S. Patent No. 6,545,091 B1 (Lee) was discussed.
4. Claim 19 is amended to replace the term "grafted" with --cografted-- to clarify (A1) and (A2) are cografted. This amendment should not prevent the enforcement of equivalents because this amendment merely makes explicit what is inherent.

Arguments

Prior Art Rejections

The claims stand rejected, some under 35 U.S.C. § 102(e) by U.S. Patent No. 6,545,091 (Lee), all under 35 U.S.C. § 103(a), either by Lee alone or in combination with applicants' alleged admissions, U.S. Patent No. 4,397,916 (Nagano), and/or U.S. Patent No. 4,460,632 (Adur). The action alleges that Lee discloses a coextrusion binder comprising a blend of 5 to 30 parts of a cografted polymer (A) and 65 to 95 weight percent of a polyethylene (B) of relative density 0.93–0.94. Applicants respectfully traverse these rejections.

Lee discloses an adhesive composition comprising a blend of:

- a) a polyethylene selected from the group consisting of conventional-HDPE, conventional-LLDPE, conventional-VLDPE, LDPE and a blend of any of these four,

b) from 5 to 35 weight percent, based on the total blend of a) + b) + c), of an acid grafted metallocene polyethylene, and

c) optionally up to 30% of a polyolefin elastomer.

See column 3, lines 40-61. Lee discloses that the metallocene resins may be made by using conditions well known in the prior art for continuous polymerization (column 5, lines 66-67), and that all or part of the metallocene polyethylene is graft-modified with an unsaturated carboxylic acid or its derivatives. See column 7, lines 5-7.

However, Lee fails to teach or suggest a binder comprising a blend comprising 5 to 30 parts of a cografted polymer (A) comprising 60-95 parts by weight of a high density polyethylene (A1) and 40-5 parts by weight of a polymer (A2) of a metallocene polyethylene with 600 ppm-6% by weight of an unsaturated carboxylic acid or its functional derivative (relevant to claim 1); a polymer (A) comprising a blend of a polyethylene (A1) and of a polymer (A2) a metallocene polyethylene with 600 ppm-6% by weight of an unsaturated carboxylic acid or its functional derivative with respect to the weight of grafted (A1) and (A2) (relevant to claim 19); and a binder produced by a process comprising blending 5 to 30 parts by weight of a polymer (A) comprising cografting a blend of a polyethylene (A1) and of a polymer (A2) of a metallocene polyethylene with 600 ppm-6% by weight of an unsaturated carboxylic acid or its functional derivative with respect to the weight of grafted (A1) and (A2) (relevant to claim 26). Failing to teach or suggest these features, Lee cannot render the claimed invention novel or obvious.

With respect to the teachings of the other secondary references, namely the alleged admissions in the specification, Nagano and Adur, because they do not cure the basic deficiencies of the primary reference (see, e.g., applicants' prior replies of July 16, 2002, and February 28, 2002, whose pertinent portions are hereby incorporated by reference), their

combination with Lee would not supply the missing teachings to render the claims anticipated or obvious. So as not to burden the record further, applicants will not discuss each of the aforesaid secondary references in detail except to state that applicants do not necessarily acquiesce to any of the statements in the Office Action referring to the secondary references and reserve the right to comment later regarding the same, if ever necessary.

In addition, applicants respectfully request acknowledgement of the receipt of the certified copy of the French priority application No. 9904262 filed April 6, 2000, in the next paper from the Office.

In view of the above, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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